

Austin, Texas,
April 19, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. C. R. No. 39
carefully examined, compared and
read and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
April 19, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. C. R. No. 13
carefully examined, compared and
read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
April 19, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 50
carefully examined, compared and
read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
April 19, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 51
carefully examined, compared and
read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
April 19, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 70
carefully examined, compared and
read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
April 19, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 52
carefully examined, compared and
read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
April 19, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 49
carefully examined, compared and
read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Communication

Lubbock, Texas,
April 17, 1939.

Hon. Bob Barker, Secretary of the
Senate.

Austin, Texas.

Dear Mr. Barker:

We acknowledge receipt of your
favor of recent date enclosing copy
of resolutions passed by the Texas
Senate concerning the death of our
beloved husband and father, and we
sincerely thank you and each member
of the Senate for the nice things said
in such resolutions.

Sincerely yours,
MRS. PINK L. PARRISH
and Family.

FIFTY-FIFTH DAY

(Thursday, April 20, 1939)

The Senate met at 10:00 o'clock
a. m., pursuant to adjournment, and
was called to order by President
Stevenson.

The roll was called, and the fol-
lowing Senators were present:

Aikin	Head
Beck	Hill
Brownlee	Isbell
Burns	Kelley
Collie	Lanning
Cotten	Lemens
Graves	Martin
Hardin	Metcalfe

Moffett	Stone
Moore	of Galveston
Nelson	Stone
Pace	of Washington
Redditt	Sulak
Roberts	Van Zandt
Shivers	Weinert
Small	Winfield
Spears	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Aikin submitted the following report of the Committee on Education:

Austin, Texas,
April 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 363, by Kinard and Boyd, A bill to be entitled "An Act providing for the display of the United States Flag at all public schools; providing for installation of Chair of Americanism in all State Universities and State-supported colleges; teaching a brief history of the Constitution and the rise of representative government; excepting schools already complying with the law requiring the teaching of the Constitution; providing that all teachers in State-supported schools shall be citizens of the United States with certain exceptions; providing for dismissal of any department head, principal, or teacher for failure to comply with the requirements of the Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed, as amended.

AIKIN, Chairman.

Senator Roberts submitted at this time the following report of the Committee on Criminal Jurisprudence:

Austin, Texas,
April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 443, A bill to be entitled "An Act making it unlawful to reproduce or forge any archaeological or other object, representing same to be original, selling or exchanging the same; requiring non-residents who collect archaeological or paleontological material to obtain a license; providing for renewal of license; providing a saving clause; providing for a penalty; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SPEARS, Chairman.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 256, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of the Eleemosynary and Reformatory Institutions of the State of Texas for the two year period beginning September 1, 1939, and ending August 31, 1941, and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations, and declaring an emergency."

H. B. No. 257, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1939, and ending August 31, 1941; requiring certain fees paid to clerks or officers of all Appellate Courts to

be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion, and declaring an emergency."

H. C. R. No. 89, Granting permission to Tilford Moore to sue the State of Texas and/or State Highway Department.

H. C. R. No. 90, Permitting E. L. Martin to bring suit against the Texas Highway Commission and the State of Texas.

H. C. R. No. 103, Designating Miss Jane Neal of the Gladewater High Band to extend greetings to the Governor of Pennsylvania and to the Lions Clubs of America.

H. C. R. No. 107, Requesting that the Governor return H. B. No. 380 for further consideration.

Respectfully submitted,
E. R. LINDLEY, Chief Clerk,
House of Representatives.

House Bills on First Reading

The following bills received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 256, to Committee on Finance.

H. B. No. 257, to Committee on Finance.

House Concurrent Resolution Referred

The following resolutions, received from the House today, were laid before the Senate, read severally first time, and referred to the committee indicated:

H. C. R. No. 89, to Committee on State Affairs.

H. C. R. No. 90, to Committee on State Affairs.

House Concurrent Resolution 107

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 107, Recalling H. B. No. 380 from the Governor.

The resolution was read; and on motion of Senator Aikin and by unanimous consent, it was considered immediately.

The resolution was adopted.

House Concurrent Resolution 103

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 103, Nominating Miss Jane Neal of Gladewater to extend greetings to the Governor of Pennsylvania and Lions Clubs of America.

The resolution was read; and by unanimous consent, it was considered at this time and was adopted.

Senate Bill 441 on First Reading

Senator Nelson moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a general bill at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield
Moore	

Absent

Hardin

Head

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Nelson:

S. B. No. 441, A bill to be entitled "An Act authorizing county boards of school trustees to abolish and/or subdivide common school districts

having fewer than ten (10) scholastics and not having conducted a school for a period of five (5) years; providing that the territory of school district so abolished or subdivided may be attached to contiguous districts in such manner as may be determined by the county boards; provided for the adjustment of bonded indebtedness and the distribution of funds; validating actions of county boards of trustees heretofore taken to accomplish objects authorized by this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 281, A bill to be entitled "An Act abolishing the office of State Reclamation Engineer; transferring to and vesting the functions in the Commissioner of the General Land Office; providing for the transfer of all officers and employees, the balances of appropriations, and all books, papers, records, property and pending business of the State Reclamation Department to the General Land Office; and declaring an emergency."

Respectfully submitted,
E. R. LINDLEY, Chief Clerk,
House of Representatives.

Bill Signed

The President signed, in the presence of the Senate, after its caption had been read, the following enrolled bill:

S. B. No. 281, "An Act abolishing the office of State Reclamation Engineer; transferring to and vesting the functions in the Commissioner of the General Land Office; providing for the transfer of all officers and employees, the balances of appropriations, and all books, papers, records, property

and pending business of the State Reclamation Department to the General Land Office; and declaring an emergency."

Report of Standing Committee

Senator Aikin, by unanimous consent, submitted at this time the following report of the Committee on Education:

Austin, Texas,
April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 294, A bill to be entitled "An Act authorizing the boards of School Trustees of Independent School Districts and County Boards of School Trustees to employ visiting teachers and school psychologists; providing Act not mandatory and failure to comply shall not affect affiliation or classification and shall not affect grants of State aid; allowing teachers employed September 1, 1939, three (3) years in which to meet qualifications, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Senate Bill 118 Re-referred

Senator Aikin moved that S. B. No. 118 be re-referred from the Committee on State Affairs to the Committee on Education.

Senator Moffett submitted the following motion in writing as a substitute for the motion by Senator Aikin:

"I move that since the Senate Committee on State Affairs is the committee that customarily deals with the subject matters of S. B. No. 118, that said committee be instructed to report said bill either favorably or unfavorably within the next six days."

Senator Aikin moved to table the substitute motion.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16

Aikin	Kelley
Burns	Lanning
Collie	Lemens
Cotten	Metcalfe
Graves	Nelson
Hardin	Sulak
Head	Van Zandt
Isbell	Winfield

Nays—14

Beck	Shivers
Brownlee	Small
Hill	Spears
Moffett	Stone
Moore	of Galveston
Pace	Stone
Redditt	of Washington
Roberts	Weinert

Absent

Martin

Question then recurring on the motion of Senator Aikin to re-refer the bill, yeas and nays were demanded.

The motion to re-refer prevailed by the following vote:

Yeas—17

Aikin	Kelley
Beck	Lanning
Burns	Lemens
Collie	Metcalfe
Cotten	Spears
Graves	Stone
Hardin	of Galveston
Head	Sulak
Isbell	Van Zandt

Nays—13

Brownlee	Roberts
Hill	Shivers
Moffett	Small
Moore	Stone
Nelson	of Washington
Pace	Weinert
Redditt	Winfield

Absent

Martin

Senate Concurrent Resolution 40

Senator Small offered the following resolution:

Be it Resolved by the Senate, the House of Representatives concurring, That S. B. No. 117 be and the same is hereby recalled from the House for further consideration.

The resolution was read.

Senator Aikin raised a point of order against consideration of the resolution at this time, on the ground that its adoption would be in effect a reconsideration of the vote by which S. B. No. 117 was passed and that no vote on the passage of a bill may be reconsidered except by the adoption of a motion to reconsider, made on the day of the passage of the bill or on the next legislative day.

The President overruled the point of order.

Senator Small withdrew the resolution.

House Bill 17 on Passage to Third Reading

(Unfinished Business)

The President laid before the Senate, as unfinished business, on its passage to third reading (the bill having been read second time on April 6, 1939):

H. B. No. 17, A bill to be entitled "An Act providing a title for the Act; providing the definition of certain words, terms and phrases; providing certain exemptions; providing any one act prohibited herein shall be a violation hereof; providing for the administration of the Act; providing certain procedure for securing real estate dealers' and real estate salesmen's licenses and for certain information to be supplied by applicant and requiring the recommendation of the applicant by three real estate owners; providing a partnership, association, or corporation licensed under the Act can designate one of its members or officers to be licensed as a real estate dealer without additional charge and imposing certain restrictions; providing any member of partnership or officer of association or corporation not designated required to be licensed before acting as a real estate dealer and imposing restrictions, etc., and declaring an emergency."

With the following amendment offered on April 13, 1939, by Senator Cotten and with motion by Senator Small to table the amendment pending:

Amendment by Senator Cotten

Amend H. B. 17 by adding a new section as follows:

Providing that this Act shall not apply to any counties with a population of less than 75,000 according to the last Federal Census.

Question—Shall the motion to table prevail?

Senator Small withdrew the motion to table.

Senator Small renewed the motion to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—13

Beck	Nelson
Brownlee	Redditt
Collie	Small
Graves	Spears
Kelley	Stone
Metcalfe	of Galveston
Moffett	Winfield

Nays—16

Aikin	Pace
Burns	Roberts
Cotten	Shivers
Hardin	Stone
Head	of Washington
Hill	Sulak
Isbell	Van Zandt
Lanning	Weinert
Lemens	

Absent

Martin Moore

(Senator Pace in the Chair.)

Recess

On motion of Senator Martin, the Senate, at 12:00 o'clock m., took recess to 2:00 o'clock p. m. today.

Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President.

Senate Bill 34 with House Amendments

Senator Redditt called up S. B. No. 34 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

On motion of Senator Redditt, the

Senate concurred in the House amendments.

Conference Committee on House Bill 5

Senator Kelley called up from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 5.

Senator Kelly moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Kelley, Moore, Small, Martin and Spears.

House Bill 953 on Second Reading

On motion of Senator Stone of Galveston and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 953 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 953, A bill to be entitled "An Act amending Article 2326a of the 1925 Revised Civil Statutes of Texas (which said Article 2326a was passed by Acts, 1929, Forty-first Legislature, page 112, C. H. 56), by adding thereto a provision for expenses for court reporters in certain Judicial Districts, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 953 on Third Reading

Senator Stone of Galveston moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 953 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Graves
Beck	Hardin
Brownlee	Head
Burns	Hill
Collie	Isbell
Cotten	Kelley

Lanning	Small
Lemens	Spears
Martin	Stone
Metcalfe	of Galveston
Moffett	Stone
Moore	of Washington
Nelson	Sulak
Pace	Van Zandt
Redditt	Weinert
Roberts	Winfield
Shivers	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

House Bill 948 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 948 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 948, A bill to be entitled "An Act providing for County Auditor in all counties having a population of not less than fourteen thousand, eight hundred and fifty, (14,850) and not more than fourteen thousand, nine hundred and twenty, (14,920) according to the last preceding Federal Census, or any subsequent Federal Census; prescribing duties of said Auditor; providing salary for such Auditor; prescribing mode and manner of payment of such salary, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 948 on Third Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 948 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Senate Bill 102 with House Amendments

Senator Redditt called up S. B. No. 102 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Senator Redditt moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalfe	

Present—Not Voting

Moffett

Absent

Moore

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 109, Requesting the Governor to return House Bill No. 194 to the House for amendment.

Respectfully submitted,

E. R. LINDLEY, Chief Clerk,
House of Representatives.

Senate Resolution 68

Senator Hill, by unanimous consent, offered at this time the following resolution:

Whereas, Since 1929 this Country has been in the throes of an economic depression which has resulted in tremendous increase in unemployment occasioned by stagnation in industry, and is likewise, to the particular detriment of agriculture, resulting in a

vast surplus of agricultural and horticultural products, and this country has been faced with the anomalous situation of an abundance of those things which are necessary to human existence with the inability on the part of many of our citizens, through ordinary gainful employment, to procure the necessities of life, this situation being one to challenge the best thought of our people; and

Whereas, Roy G. Terry of Kilgore, Texas, has conceived a plan of economic recovery based upon tried and tested business and merchandising principles to involve the correlated assistance of manufacturers in all key industries, the medium of the press and the radio in cooperation with various civic organizations to the end that a national and concerted demand may be stimulated for various commodities that affect our national economy and by means of which added consumption may reduce over-stocks of the basic commodities and products of our key industries through stimulating retail sales. This plan contemplates the organization of newspapers, radio and national magazines into a coordinated campaign based upon the primary appeal to our citizenship for cooperation in rehabilitating our economic structure through added consumption of the basic commodities. This plan in a second step contemplates the organization of producers, manufacturers and wholesalers in a cooperative drive to promote retail sales over a period of twelve weeks, which drive will be national in its scope. The third step is to organize the various civic organizations throughout the nation in cooperating with such producers, manufacturers, wholesalers and retailers, the press, the radio and the national magazines by securing pledges from the various business enterprises in the cities, towns and communities throughout the United States to the end that full cooperation may be had in correlating local advertising with the national program and to the further end that each retail merchant throughout the nation be induced to employ an additional sales person or other worker on the basis of one for each \$50,000.00 volume done during the previous twelve months period, such added employee to be retained throughout the twelve-week National Retail Sales Promotion period, and thereafter for four weeks or longer, depending upon

the trend of business at the termination of the concerted recovery drive, such employees to be employed at a rate of pay current to the community in which they are engaged; and

Whereas, Based upon the experience of national sales organizations it can be safely estimated that through such cooperative efforts of all concerned national retail sales can be doubled during the twelve-week period, which would result in an added retail business of eighteen billion Dollars during the period of such twelve-week sales campaign, which sales volume would necessarily result in a very material reduction of the basic commodities which are now held in excess of the present normal requirements and tend to increase and stabilize employment, promote the general welfare and rehabilitate to a very large extent the depressed condition that has befallen business, and further result in improving the mental attitude of the people generally toward business conditions; and

Whereas, It is felt that if the people of the nation would respond to such a recovery movement consumption, particularly from Texas produced farm products, would result in direct and incalculable benefit to the agricultural and live stock industry of Texas and the Nation generally, and encourage the idea that in the final analysis recovery from economic calamity rests within the peculiar ability of the people themselves; now, therefore, be it

Resolved by the Senate of the State of Texas, That the program of Mr. Terry be endorsed and encouraged and that he be commended for his intelligent foresight in undertaking to work out a solution of economic problems, and that he be commended for his unselfish efforts in this behalf, and that he also be commended to the favorable consideration of those who should be interested in promoting a campaign of this kind to effect the results sought.

HILL,
SULAK,
PACE.

The resolution was read; and on motion of Senator Hill and by unanimous consent, it was considered immediately.

The resolution was adopted.

House Concurrent Resolution 109

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 109, Requesting the Governor to return H. B. No. 194 to the House for amendment.

The resolution was read.

Senator Spears moved that that portion of rule 37 requiring concurrent resolutions to be referred to a committee be suspended to permit consideration of the resolution at this time.

The motion prevailed by the following vote:

Yeas—21

Aikin	Nelson
Brownlee	Redditt
Collie	Roberts
Graves	Small
Hardin	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Metcalf	Sulak
Moffett	Van Zandt
Moore	

Nays—9

Beck	Pace
Burns	Shivers
Cotten	Weinert
Lemens	Winfield
Martin	

Absent

Head

Senator Spears moved that the regular order of business be suspended and that the resolution be taken up for immediate consideration.

The motion prevailed by the following vote:

Yeas—21

Aikin	Nelson
Brownlee	Redditt
Collie	Roberts
Graves	Small
Hardin	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Metcalf	Sulak
Moffett	Van Zandt
Moore	

Nays—9

Beck	Pace
Burns	Shivers
Cotten	Weinert
Lemens	Winfield
Martin	

Absent

Head

The resolution then was read second time and was adopted.

**Conference Committee on Senate
Bill 370**

Senator Moffett called up S. B. No. 370 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Senator Moffett moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Moffett, Lemens, Cotten, Small, Graves.

**House Bill 17 on Passage to
Third Reading**

The Senate resumed consideration of pending business, same being H. B. No. 17, to regulate real estate brokers, on its passage to third reading; with amendment by Senator Cotten pending.

Question—Shall the amendment be adopted?

Yeas and nays were demanded, and the President announced the amendment was lost by a vote of 11 yeas, 19 nays.

Senator Cotten called for a verification of the vote.

The roll of yeas was called and found correct as first announced.

The roll of nays was called and found correct as first announced.

The amendment was lost, as first announced, by the following vote:

Yeas—11

Burns	Lemens
Cotten	Shivers
Hardin	Sulak
Head	Van Zandt
Hill	Weinert
Lanning	

Nays—19

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Collie	Redditt
Graves	Roberts
Isbell	Small
Kelley	Spears
Martin	Stone
Metcalf	of Galveston
Moffett	Winfield

Absent

Stone
of Washington

Senator Weinert offered the following amendment to the bill:

Amend H. B. No. 17 by adding a new section thereto to read as follows:

Section No. 13a. No action shall be brought in any court in this State for the recovery of any commission for the sale or purchase of real estate unless the promise or agreement upon which such action shall be brought, or some memorandum thereof, shall be in writing and signed by the party to be charged therewith or by some person by him thereunto lawfully authorized. This provision shall not apply to any action for commissions pending in any court in this state at the effective date of this Act.

Senator Small raised a point of order against consideration of the amendment on the ground that it is not germane to the original purposes of the bill.

The President overruled the point of order.

The amendment was adopted.

Senator Beck offered the following amendment to the bill:

Amend H. B. No. 17 by adding a new paragraph numbered 7e.

Any person, firm, partnership, as-

sociation, or corporation holding a Real Estate Dealer's license, or a Real Estate Salesman's license, or both, who are non-residents of the State and are licensed by the State of their residence to deal in real estate are entitled to have a license issued to them to operate in this State, subject to the provisions of this Act, upon the payment of a fee of One Dollar (\$1.00) and the presentation of an affidavit to the Securities Division of the Secretary of State from the agency of the State of his residence showing that he is licensed to do business in that State.

Senator Cotten moved to table the amendment.

Yeas and nays were demanded and the motion to table was lost by the following vote:

Yeas—8

Burns	Shivers
Cotten	Stone
Hardin	of Washington
Head	Weinert
Moore	

Nays—21

Aikin	Moffett
Beck	Nelson
Brownlee	Redditt
Collie	Roberts
Graves	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Sulak
Martin	Van Zandt
Metcalf	Winfield

Absent

Lemens	Pace
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The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 17, page 13, line 10, after the word "act" by striking out all the words down and through the word "provided" in line 14.

The amendment was adopted.

Senator Redditt offered the following amendment to the bill:

Amend H. B. No. 17 on page 12 by adding after the word "appropriated" in line 15, the following: "as may be specified and determined by itemized

appropriation in the general departmental appropriation bill for the office of Secretary of State and not otherwise."

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 17 by adding a new section to be numbered to read:

"Provided the provisions of this bill shall not apply to counties with a population of 35,000 and less according to the last preceding Federal census."

Senator Small moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—19

Beck	Nelson
Brownlee	Pace
Collie	Redditt
Graves	Roberts
Isbell	Small
Kelley	Spears
Lanning	Stone
Martin	of Galveston
Metcalf	Winfield
Moffett	

Nays—12

Aikin	Moore
Burns	Shivers
Cotten	Stone
Hardin	of Washington
Head	Sulak
Hill	Van Zandt
Lemens	Weinert

Senator Lanning offered the following amendments to the bill:

(1)

Amend H. B. No. 17, on page 3, by adding a new sub-section "c" to Section 3 as follows:

"Any person, partnership, or corporation, who has secured a license under Texas Securities' Act, House Bill No. 521, Regular Session, Forty-fourth Legislature."

(2)

Amend H. B. No. 17 on page 4, by striking out all of sub-section "b", of Section 5 and renumbering the sub-sections accordingly.

The amendments were adopted severally.

Senator Cotten offered the following amendment to the bill:

Amend H. B. No. 17, by striking out the words and figures "Ten Dollars (\$10.00)" on page 11, line 40, and insert in lieu thereof the following: "Three Dollars (\$3.00)".

Senator Lanning offered the following substitute for the amendment:

Amend H. B. No. 17, on page 11, line 40, by striking out \$10.00 and inserting \$5.00.

Senator Kelley moved the previous question on the amendments and the passage of the bill to third reading, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

Yeas—8

Beck	Spears
Isbell	Stone
Kelley	of Galveston
Martin	Winfield
Moore	

Nays—23

Aikin	Moffett
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Hill	of Washington
Lanning	Sulak
Lemens	Van Zandt
Metcalf	Weinert

Senator Martin moved to table the substitute amendment by Senator Lanning.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—20

Aikin	Martin
Beck	Moore
Brownlee	Nelson
Burns	Roberts
Cotten	Small
Graves	Stone
Hardin	of Washington
Head	Sulak
Hill	Van Zandt
Kelley	Winfield
Lemens	

Nays—11

Collie	Redditt
Isbell	Shivers
Lanning	Spears
Metcalf	Stone
Moffett	of Galveston
Pace	Weinert

Senator Martin moved to table the amendment by Senator Cotten.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—7

Graves	Nelson
Kelley	Small
Martin	Winfield
Moffett	

Nays—23

Aikin	Moore
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Stone
Hardin	of Galveston
Head	Stone
Hill	of Washington
Isbell	Sulak
Lanning	Van Zandt
Lemens	Weinert
Metcalf	

Absent

Spears

The amendment then was adopted.

Senator Aikin offered the following amendment to the bill:

Amend H. B. No. 17, line 58, page 11, by striking out the words and figure \$2.50 and insert in lieu thereof \$1.00

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 17 by adding a new section to be known as Sec. 21-B:

"(B) The provisions of this Act shall expire on September 1st, 1941."

Senator Small moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—15

Collie	Isbell
Graves	Kelley

Lanning	Redditt
Martin	Roberts
Metcalf	Small
Moffett	Spears
Moore	Winfield
Nelson	

Nays—15

Aikin	Pace
Beck	Shivers
Brownlee	Stone
Burns	of Galveston
Cotten	Stone
Hardin	of Washington
Head	Van Zandt
Hill	Weinert
Lemens	

Absent

Sulak

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—13

Aikin	Hill
Beck	Pace
Brownlee	Shivers
Burns	Sulak
Cotten	Van Zandt
Hardin	Weinert
Head	

Nays—16

Collie	Nelson
Graves	Redditt
Isbell	Roberts
Kelley	Small
Lanning	Spears
Martin	Stone
Metcalf	of Galveston
Moffett	Winfield
Moore	

Absent

Lemens	Stone
	of Washington

Senator Shivers offered the following amendment to the bill:

Amend H. B. No. 17, printed bill, Sec. 2, by adding a new section to be known as Sub-section (3) (d) reading as follows:

"No person, company, organization or corporation holding a license under this Act may engage in any business other than provided in this Act."

Senator Small moved to table the amendment.

Yeas and nays were demanded, and

the motion to table prevailed by the following vote:

Yeas—18

Brownlee	Nelson
Collie	Pace
Graves	Redditt
Head	Roberts
Isbell	Small
Kelley	Spears
Martin	Stone
Metcalf	of Galveston
Moffett	Winfield
Moore	

Nays—12

Aikin	Lanning
Beck	Lemens
Burns	Shivers
Cotten	Sulak
Hardin	Van Zandt
Hill	Weinert

Absent

Stone
of Washington

Senator Shivers offered the following amendment to the bill:

Amend H. B. No. 17, Sec. 21 (a) by adding at the end thereof the following: "Nor shall this Act apply to any person who does not devote more than 50% of his time dealing in real estate as defined in Sec. 2 of this Act."

Senator Stone of Galveston moved the previous question on the amendment and the passage of the bill to third reading, and the motion was duly seconded.

The main question was ordered by the following vote:

Yeas—19

Beck	Metcalf
Brownlee	Moffett
Collie	Moore
Graves	Nelson
Head	Pace
Isbell	Small
Kelley	Spears
Lanning	Stone
Lemens	of Galveston
Martin	Winfield

Nays—12

Aikin	Redditt
Burns	Roberts
Cotten	Shivers
Hardin	Stone
Hill	of Washington

Sulak
Van Zandt

Weinert

Question first recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—10

Aikin	Hill
Beck	Lanning
Burns	Shivers
Cotten	Sulak
Hardin	Van Zandt

Nays—20

Brownlee	Pace
Collie	Redditt
Graves	Roberts
Head	Small
Isbell	Spears
Kelley	Stone
Lemens	of Galveston
Martin	Stone
Metcalfe	of Washington
Moore	Weinert
Nelson	Winfield

Present—Not Voting

Moffett

Question next recurring on the passage of the bill to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

Yeas—21

Aikin	Moffett
Brownlee	Moore
Collie	Nelson
Graves	Pace
Head	Redditt
Isbell	Roberts
Kelley	Small
Lanning	Spears
Lemens	Stone
Martin	of Galveston
Metcalfe	Winfield

Nays—10

Beck	Stone
Burns	of Washington
Cotten	Sulak
Hardin	Van Zandt
Hill	Weinert
Shivers	

Motion to Place House Bill 17 on Third Reading

Senator Small moved that the constitutional rule requiring bills to be

read on three several days be suspended and that H. B. No. 17 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—23

Brownlee	Pace
Collie	Redditt
Graves	Roberts
Head	Shivers
Isbell	Small
Kelley	Spears
Lanning	Stone
Lemens	of Galveston
Martin	Stone
Metcalfe	of Washington
Moffett	Van Zandt
Moore	Winfield
Nelson	

Nays—8

Aikin	Hardin
Beck	Hill
Burns	Sulak
Cotten	Weinert

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas,
April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. C. R. No. 110, Recalling H. B. No. 84 from the Governor's Office for further consideration.

H. B. No. 926, A bill to be entitled "An Act appropriating the sum of Eight Hundred Eighty Thousand, Three Hundred Thirty-two (\$880,332.00) Dollars per year, or so much thereof as may be necessary for the next biennium beginning September 1, 1939, and ending August 31, 1941, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, general rehabilitation and rehabilitation for crippled children

according to the Federal Laws governing vocational education, all of which shall be matched by Federal funds; providing for the administration, attaching conditions, regulations and limitation relative thereto, making various allocations of said appropriation; authorizing aid to such schools in accordance with the condition specified herein; providing for certain regulations concerning qualification of teachers; providing all costs of administering funds named in this Act shall be paid out of moneys appropriated in this Act under authority of the State Superintendent of Public Instruction under the direction of the State Board of Education; defining the powers of the State Board of Education and the State Superintendent; declaring the rule in event any provision of this Act is unconstitutional or invalid, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Senate Bill 442 on First Reading

Senator Nelson moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

The following bill then was introduced, read first time, and referred to the committee indicated:

By Nelson:

S. B. No. 442, A bill to be entitled

"An Act creating County-wide Equalization School Districts, for tax purposes, in all counties having a population of not less than twenty-seven hundred seventy-five (2,775) and not more than twenty-eight hundred fifty (2,850), according to the last preceding Federal Census, and containing a valuation of Seven Million (\$7,000,000.00) Dollars or more; providing for the vesting of the general management, supervision and control of the public schools in the Boards of Trustees of the school districts within such counties; providing for certain additional power to the County Boards of School Trustees within such counties; providing for the levying of an equalization tax of not to exceed forty cents (40c) on the One Hundred (\$100.00) Dollar valuation of property situated within such counties; providing for the levying of the said tax by the Commissioners' Court of such counties; providing for the holding of an election in such counties on the question of levying such equalization tax; providing for the assessment and collection of such tax by the County Tax Assessor and Collector; providing for the distribution of such tax fund by the County Board of School Trustees, with the approval of the County Superintendent of such counties; describing the duties and compensation of the tax collector; providing for a depository for the funds of such equalization districts, by designating the County Depository as the depository of such equalization districts; describing the duties of the County Board of School Trustees, of such counties, with respect to such tax and funds derived therefrom; provided that this Act shall not affect such duties now imposed upon Trustees of said counties, except as herein provided; providing certain exceptions for school districts, within such counties, having more than one hundred (100) scholastics; providing certain exceptions for school districts, within such counties, having less than one hundred (100) scholastics; providing a saving clause; repealing all laws in conflict herewith; and declaring an emergency."

Referred to Committee on Education.

Report of Committee on Education

Senator Nelson, by unanimous consent, submitted at this time the fol-

lowing report of the Committee on Education:

Austin, Texas,
April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 442, by Nelson, A bill to be entitled "An Act creating County-wide Equalization School Districts, for tax purposes, in all counties having a population of not less than twenty-seven hundred seventy-five (2,775) and not more than twenty-eight hundred fifty (2,850), according to the last preceding Federal Census, and containing a valuation of Seven Million (\$7,000,000.00) Dollars or more; providing for the vesting of the general management, supervision and control of the public schools in the Boards of Trustees of the school districts within such counties; providing for certain additional power to the County Boards of School Trustees within such counties; providing for the levying of an equalization tax of not to exceed forty cents (40c) on the One Hundred (\$100.00) Dollars valuation of property situated within such counties; providing for the levying of the said tax by the Commissioners' Court of such counties; providing for the holding of an election in such counties on the question of levying such equalization tax; providing for the assessment and collection of such tax by the County Tax Assessor and Collector; providing for the distribution of such tax fund by the County Board of School Trustees, with the approval of the County Superintendent of such counties; describing the duties and compensation of the tax collector; providing for a depository for the funds of such equalization districts, by designating the County Depository as the depository of such equalization districts; describing the duties of the County Board of School Trustees, of such counties, with respect to such tax and funds derived therefrom; provided that this Act shall not affect such duties now imposed upon Trustees of said counties, except as herein provided; providing certain exceptions for school districts, within such counties, having more than one hundred (100) scholastics; providing certain exceptions for school districts, within such counties, having

less than one hundred (100) scholastics; providing a saving clause; repealing all laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be not printed.

AIKIN, Chairman.

Senate Bill 442 on Second Reading

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 442 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

On motion of Senator Nelson and by unanimous consent, Senate rule 48 was suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 442 at this time.

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 442 on Third Reading

The President then laid S. B. No. 442 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Beck
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Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield
Moore	

Bills and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 881, "An Act creating and establishing Callahan County Road District Number 1-A in Callahan County, Texas, under Article III, Section 52 of the Constitution of Texas for the purpose of construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein, making the District a body corporate with authority to sue and be sued; authorizing the District to issue bonds upon two-thirds vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and distribution of the funds of the District; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the District hereby created is also included in another Road District having outstanding bonds shall not affect the District hereby created or its powers hereby granted; determining that all of the lands in said District will be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other General or Special Laws; providing that if any provision hereof is held to be invalid such holding shall not affect

the other provisions hereof; and declaring an emergency."

S. B. No. 102, "An Act to conserve, preserve, and protect lands, products of lands, including timber and crops, and providing penalties, and declaring an emergency."

S. B. No. 34, "An Act to amend Article 1379 of the Penal Code of the State of Texas, so as to increase the penalty from a fine of not less than ten nor more than five hundred dollars, to confinement in the penitentiary for not less than one nor more than five years, and declaring an emergency."

H. C. R. No. 107, Requesting that the Governor return House Bill No. 380.

H. C. R. No. 103, Designating Miss Jane Neal of the Gladewater High Band to extend greetings to the Governor of Pennsylvania and to the Lions Clubs of America.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time by the committee chairmen whose names are signed thereto:

Austin, Texas,
April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 256, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of Eleemosynary and Reformatory Institutions of the State of Texas for the two year period beginning September 1, 1939, and ending August 31, 1941; and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ROBERTS, Chairman.

Austin, Texas,
April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 257, A bill to be entitled "An Act making an appropriation for the support and maintenance of the Judiciary of the State of Texas for the biennium beginning September 1, 1939, and ending August 31, 1941; requiring certain fees paid to clerks or officers of all Appellate Courts to be deposited monthly in the State Treasury; prescribing certain rules and restrictions respecting the expenditures of appropriations made herein; suspending all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

ROBERTS, Chairman.

Austin, Texas,
April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 604, A bill to be entitled "An Act to amend Chapter 33 of the General Laws of the Thirty-ninth Legislature, Regular Session, 1925, as amended, so as to make certain provisions with respect to the authorization and issuance of revenue bonds and notes by cities having more than one hundred and sixty thousand inhabitants, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HILL, Chairman.

Austin, Texas,
April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 436, A bill to be entitled "An Act amending Section 1 of H. B. No. 115, Acts Fortieth Legislature, First Called Session,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,
April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 563, A bill to be entitled "An Act to prohibit the sale or disposal of cattle known to be infected with Bang's disease, for milk purposes, by any person; prescribing a penalty; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SPEARS, Chairman.

Austin, Texas,
April 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

H. B. No. 834, by Boyd and Felty, A bill to be entitled "An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States, when secured by a pledge of annual contributions to be paid by the United States Government, shall be security for all public deposits, and legal investments for the State and public officers, municipal corporations, political subdivisions and public bodies, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WINFIELD, Chairman.

Austin, Texas,
April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 397, by Tarwater, A bill to be entitled "An Act defining "ware-

housemen" and "warehouse," names and words associated therewith; and providing for the licensing and bonding of same and the manner of securing license and bond, and rules for fixing amount of bond, providing for suit on bonds and fixing venue thereof; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
April 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 931, A bill to be entitled "An Act to increase the criminal jurisdiction of the Seventy-sixth Judicial District Court of Morris County, transferring all criminal cases on the docket of the County Court to the docket of the District Court at the time of the passage of this Act, and to conform the jurisdiction of the County and Justice Courts of said County to such change; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Austin, Texas,
April 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 715, A bill to be entitled "An Act amending Article 199, Revised Civil Statutes of Texas, 1925, as amended by the Forty-fifth Legislature, Regular Session, Senate Bill No. 431, in so far as the same relates to the Seventy-sixth Judicial District composed of Titus, Franklin, Camp, Morris, and Marion Counties; providing certain changes in the terms for said Counties; providing that this Act shall take effect on July 2, 1939; repealing all laws or parts of laws in

conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Austin, Texas,
April 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 877, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in each county in Texas having a population of not less than ten thousand, three hundred and sixty (10,360) and not more than ten thousand, three hundred and eighty (10,380), and in each county having a population of not less than ten thousand, three hundred and ninety-nine (10,399) and not more than ten thousand, four hundred and ninety-nine (10,499) inhabitants, according to the last preceding Federal Census; providing for the payment of such salary from the Available School Fund of such county; providing for payment of salaries in monthly installments; providing certain salary shall not be paid until certain reports have been made; providing for office and traveling expenses to be paid out of the Available School Fund; repealing all laws or parts of laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,
April 12, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 600, A bill to be entitled "An Act to amend Subsection 5 of Article 199, Revised Civil Statutes of Texas, of 1925, as amended by Chapter 143, Acts 1937, Forty-fifth Legislature,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NELSON, Chairman.

Austin, Texas,
April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 82 by Kerr, "Directing the State Board of Cosmetology to continue its policy of refusing a license to the same party to operate both a beauty school and a beauty parlor within the same building, and providing that parties now in operation under these conditions be given due notice and requested to discontinue such practice,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Committee Substitute for House Bill 640 on Second Reading

On motion of Senator Pace, and by unanimous consent, the regular order of business was suspended, to permit consideration of C. S. H. B. No. 640 at this time.

The President laid before the Senate on its second reading and passage to third reading:

C. S. H. B. No. 640, "An Act providing that the Supreme Court may grant certain attorneys who have practiced law in a State of the United States for a period of 20 years and hold a license to practice law before the Supreme Court of the United States a license to practice in the State without taking the bar examinations, etc., and declaring an emergency."

The bill was read second time.

Senator Small offered the following amendment to the bill:

Amend H. B. No. 640 by striking out Section 2 thereof and inserting in lieu the following:

"Section 2. Any citizen of this State, having served twelve (12) con-

secutive years as a member of the Legislature of this State immediately before presenting himself for examination and having given thirty (30) days notice to the Clerk of the Supreme Court of his intention to be examined and having satisfactorily passed an examination given him by the Supreme Court, or by such agency as the Court may direct, and having furnished such evidence of moral character as the Court may require, may be issued a license to practice law in this State."

Senator Hill offered the following amendment to the amendment:

Amend the amendment by inserting after the word "State": "or who has served 8 years as County Judge".

Senator Brownlee moved the previous question on the amendments and the passage of the bill to third reading, and the motion was duly seconded.

The main question was ordered by the following vote:

Yeas—15

Brownlee	Roberts
Collie	Spears
Hardin	Stone
Head	of Galveston
Lanning	Stone
Moffett	of Washington
Moore	Van Zandt
Pace	Weinert
Redditt	Winfield

Nays—13

Aikin	Lemens
Beck	Martin
Burns	Metcalf
Graves	Nelson
Hill	Small
Isbell	Sulak
Kelley	

Absent

Cotten	Shivers
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Question—Shall the amendment to the amendment be adopted?

Adjournment

Senator Martin moved that the Senate adjourn until 10:00 o'clock a. m., Monday, April 24, 1939.

Senator Lemens moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion of Senator Martin, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—14

Brownlee	Metcalf
Graves	Moffett
Hardin	Nelson
Hill	Pace
Isbell	Redditt
Kelley	Weinert
Martin	Winfield

Nays—13

Aikin	Moore
Beck	Roberts
Burns	Small
Collie	Spears
Head	Stone
Lanning	of Galveston
Lemens	Sulak

Absent

Cotten	Stone
Shivers	of Washington
	Van Zandt

The Senate, accordingly, at 5:50 o'clock p. m., adjourned until 10:00 o'clock a. m., Monday, April 24, 1939.

APPENDIX

Reports of Committees on Enrolled and Engrossed Bills

Austin, Texas,
April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 102 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 34 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
April 20, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 281 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
April 19, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 440 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

FIFTY-SIXTH DAY

(Monday, April 24, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Lanning	of Washington
Lemens	Sulak
Metcalf	Van Zandt
Moffett	Winfield

Absent—Excused

Kelley	Weinert
Martin	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 20, 1939, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Kelley and Martin were granted leave of absence for today